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DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			EXAMINER CHAI, LONGBIT	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 12/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/707,413

Applicant(s)

BARTHOLOMEW, ALAN

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/12/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Currently pending claims are 23 – 52.

#### *Response to Arguments*

2. Applicant's arguments with respect to instant claims have been fully considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23 – 26, 29 – 41, 43 – 47 and 49 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Kauffman et al. (U.S. Patent 6,870,887).

As per claim 23, 40 and 49, LeVine teaches an annotation system configured to record, store, and retrieve media data comprising:

a client-processing device configured to capture media data for subsequent playback (LeVine: Para [0041], Para [0121] and Para [0206]: a client-server archive digital content distribution system);

at least one globally unique ID created by said client-processing device proximate to the capture of said media data and associated with said media data by said client-processing device (LeVine: Para [0041], Para [0198] and Para [0196] / Line 20 – 32: an unique ID that can be remotely accessible over a distributed system is considered as a globally unique ID), wherein said client-processing device is configured to provide said at least one globally unique ID to a user (LeVine: Para [0206] Line 19 – 22: so that the user can request the digital content at the subsequent access);

said client-processing device capable of retrieving said media data for playback by locating said server utilizing said at least one globally unique ID provided by said user (LeVine: Para [0206] Line 20 – 32: the user can request the digital content at the subsequent access).

LeVine teaches the archive digital content is stored at the server (LeVine: Para [0196] Line 5). However, LeVine does not disclose expressly a server configured to accept upload of said media data and said at least one globally unique ID for purposes of storage.

Kauffman teaches a server configured to accept upload of said media data and said at least one globally unique ID for purposes of storage (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15: the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kauffman within the system of LeVine because (a) LeVine teaches an archive digital content is stored at the server and can be securely

download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Kauffman teaches an effective mechanism that the archive digital content can be further retrieved for segmenting / editing purpose and saved back into the server later so that they can be shared by other users through the server (Kauffman: Column 6 Line 34 – 37, Column 9 Line 42 – 44 / Line 38 – 39 and Column 1 Line 44 – 50).

As per claim 46, LeVine teaches annotation system configured to record, store and retrieve audio data comprising:

a client-processing device configured to capture audio data and associate a first globally unique ID with said audio data (LeVine: Para [0023], Para [0041] and [0121]; a client-server archive digital content (including audio data) distribution system);

said client-processing device further configured to accept a set of user generated annotations to said audio data, associating each annotation of said set of annotations with a member of a set of globally unique IDs (LeVine: Para [0041], Para [0198] and Para [0196] / Line 20 – 32: an unique ID that can be remotely accessible over a distributed system is considered as a globally unique ID constituted, for example, as a set of system ID, transaction ID, file directory name and etc.), said association comprising an index of said audio data (LeVine: Para [0042] Line 10 – 17: indexing);

LeVine teaches the archive digital content is stored at the server (LeVine: Para [0196] Line 5). However, LeVine does not disclose expressly said client-processing device further configured to upload said audio data, said first globally unique ID, said set of annotations and said set of associated globally unique IDs to a server for storage and retrieval.

Kauffman teaches said client-processing device further configured to upload said audio data, said first globally unique ID, said set of annotations and said set of associated globally

unique IDs to a server for storage and retrieval (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15 and LeVine: Para [0206] Line 20 – 32: (a) the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server and (b) the user can request the digital content at the subsequent access).

See the same rationale of combination applied herein as above in rejecting the claim 23.

As per claim 51, LeVine teaches An annotation system configured to record, store, and retrieve media data comprising:

a mobile device (LeVine : Para [0120]) able to transmit media data, said device configured to automatically assign a globally unique ID to said media data at the time of recording said media data (LeVine: Para [0041], Para [0198] and Para [0196] / Line 20 – 32: (a) an unique ID that can be remotely accessible over a distributed system is considered as a globally unique ID (b) the unique identifier as a serialized purchase information unique to each purchaser at the download site before being downloaded – i.e. at the time of recording said media data), said mobile device configured to present said globally unique ID to said user (LeVine : Para [0120]).

LeVine teaches the archive digital content is stored at the server (LeVine: Para [0196] Line 5). However, LeVine does not disclose expressly a server configured to store said media data associated with said globally unique ID when said media data is uploaded to said server; and wherein said server is configure to retrieve said media data utilizing said globally unique ID when said globally unique ID is presented to said server by said user.

Kauffman teaches a server configured to store said media data associated with said globally unique ID when said media data is uploaded to said server; and wherein said server is

configure to retrieve said media data utilizing said globally unique ID when said globally unique ID is presented to said server by said user (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15 and LeVine: Para [0206] Line 20 – 32: (a) the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server and (b) the user can request the digital content at the subsequent access).

See the same rationale of combination applied herein as above in rejecting the claim 23.

As per claim 24, 41, 47 and 50, LeVine as modified teaches said client-processing device is capable of marking portions of said media data with additional globally unique IDs to enable indexed playback of said media (Kauffman: Column 10 Line 64 – 67 / Line 58 – 59: mark button is used for segmenting the video digital content) & (Levine: Para [0042] / Line 10 – 15).

As per claim 25, LeVine as modified teaches said client-processing device is further configured to provide an edit operation on said media data (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15: the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server).

As per claim 26, LeVine as modified teaches said client-processing device is further configured to associate contextual information with said media data (LeVine: Para [0205] Line 1 – 8: the identifier can be selected based on a context-aware algorithm – e.g., every Nth section of M bytes are used).

As per claim 29, LeVine as modified teaches said at least one globally unique ID comprises a machine unique identifier combined with a locally unique identifier (LeVine: Para [0196] Line 20 – 25 and Para [0197]).

As per claim 30, LeVine as modified teaches said at least one globally unique ID comprises a context defined by said user (LeVine: Para [0205] Line 1 – 8: the identifier can be manually selected by the user based on a context-aware algorithm – e.g., which section of which bytes are used).

As per claim 31, LeVine as modified teaches said at least one globally unique ID is recorded on a memory medium (LeVine: Para [0198] Line 1 – 4).

As per claim 32, LeVine as modified teaches said at least one globally unique ID is associated with a radio frequency ID device (LeVine: Para [0120]: a wireless mobile computer must use a radio frequency).

As per claim 33, LeVine as modified teaches said media data comprises audio data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of audio, video, and text/graphic/e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 34, LeVine as modified teaches said media data comprises video data (LeVine: Para [0023]).



As per claim 35, LeVine as modified teaches said media data comprises text data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of audio, video, and text/graphic/e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 36, LeVine as modified teaches media data comprises image data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of graphic / e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 37, 43 and 52, LeVine as modified teaches said client processing device receives said media data from a cellular telephone (LeVine: Para [0118] / [0120]: a cellular telephone is one type of well-known mobile applications or mobile computers).

As per claim 38 and 44, LeVine as modified teaches said at least one globally unique ID is stored in a database (LeVine: Para [0206]: must be stored for subsequent authentications at request).

As per claim 39 and 45, LeVine as modified teaches said at least one globally unique ID is provided to said user in a word processing document (LeVine: Para [0041] Line 10 – 15: the archive digital content can be stored / identified per-user and a word processing document is one type of well known digital contents for presenting information (including ID) to the user).

4. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Kauffman et al. (U.S. Patent 6,870,887), and in view of Kovesdi et al. (U.S. Patent 2003/0155413).

As per claim 27, LeVine as modified does not teach said client-processing device further comprises a bar code scanner for association of said at least one globally unique ID.

Kovesdi teaches said client-processing device further comprises a bar code scanner for association of said at least one globally unique ID (Kovesdi: Para [0088] Line 3 – 7 and Para [0075] Line 4 – 8: playback of media digital content can be identified based on a scanned barcode).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kovesdi within the system of LeVine as modified because (a) LeVine teaches an archive digital content is stored at the server and can be securely authenticated and download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Kovesdi teaches an effective authentication mechanism that the playback digital content can be authorized based on a scanned bar code of the medium (Kovesdi: Para [0017] Line 1 – 6 and Para [0088] Line 3 – 7).

As per claim 28, LeVine as modified does not teach a label dispenser configured to emit labels having said at least one globally unique ID.

Kovesdi teaches a label dispenser configured to emit labels having said at least one globally unique ID (Kovesdi: Para [0088] Line 3 – 7: the device can be supplemented with pre-printed barcode label – i.e., to emit pre-printed label with unique barcode that is consistent with the disclosure of the instant specification (SPEC: Para [0021])).

Same rationale of combination applied herein as above in rejecting the claim 9.

5. Claims 42 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Kauffman et al. (U.S. Patent 6,870,887), and in view of Jun et al. (U.S. Patent 2001/0020981).

As per claim 42 and 48, LeVine as modified does not teach each said at least one globally unique ID is a Uniform Resource Locator (URL) and each said URL indexes an individual said marked portion of said audio data.

Jun teaches each said at least one globally unique ID is a Uniform Resource Locator (URL) and each said URL indexes an individual said marked portion of said audio data (Jun [0052]: using URL for designating the audio segment).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Jun within the system of LeVine as modified because (a) LeVine teaches an archive digital content is stored at the server and can be securely authenticated and download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Jun teaches an effective identification mechanism that uses the segment locator as a means for designating a segment in a video stream, includes segment ID, Media URL or actual segment data for designating the audio-visual segment (Jun: Para [0052]).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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LBC

Longbit Chai  
Examiner  
Art Unit 2131

  
**AYAZ SHEIKH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**